

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People v David Demond Bryant**
Docket No. **265908**
L.C. No. **05-005175-01**

Michael J. Talbot, Judge, acting under MCR 7.217, orders:

The motion for reconsideration of the Court's order of October 23, 2006, is DENIED. MCR 7.216(A)(7) gives the Court the power and authority to enter any order "as the case may require." MCR 7.217(C) provides: "In all instances of failure to prosecute an appeal to hearing as required, the chief judge or another designated judge may take such other action as is deemed appropriate." Counsel's consistent practice of treating the reinstatement period under MCR 7.217(D) as merely the final deadline for filing appellant's brief was an abuse of this court rule that burdened the Court but not counsel. Absent the assessment of additional costs, counsel had no incentive to discontinue this burdensome practice. In this regard, it should be noted that counsel recently filed appellant's brief in docket no. 270484 on the 21st day following the involuntary dismissal notice letter rather than allowing it to be dismissed and then seeking reinstatement as was counsel's consistent pattern prior to the assessment of additional costs in the instant case.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 30 2006
Date

Sandra Schultz Mengel
Chief Clerk